

07/21/2008 10:16 5166931200

MAVERICK PROCESS

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U.S. DISTRICT COURT OF THE STATE OF N.Y.  
COUNTY OF SOUTHERN DISTRICT

PETER F. GAITO ARCHITECTURE, LLC D/B/A PETER F. GATIO AND ASSOCIATES,

- against -

SIMONE DEVELOPMENT CORP., ET AL

**Maverick Process 516-693-1100**

|               |                  |              |
|---------------|------------------|--------------|
| ATTORNEY      | SCHER            | 23066        |
| Petitioner(s) | RETURN DATE      |              |
| Plaintiff(s)  | INDEX NO         | 08 CIV. 6056 |
|               | INDEX DATE       |              |
| Defendant(s)  | CALENDAR NO      |              |
| Respondent(s) | 3rd PARTY INDEX# |              |
|               | JUDGE CONNER     |              |

STATE OF NEW YORK: COUNTY OF NASSAU

SS:

**AFFIDAVIT OF SERVICE**

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 7/10/2008 at 4:09 PM at 445 HAMILTON AVE. SUITE 404 WHITE PLAINS, NY 10601

deponent served the within SUMMONS IN A CIVIL ACTION & COMPLAINT AND EXHIBITS

upon

SACCARDI & SCHIFF, INC.

☒ Said Documents Were Properly Endorsed with the Index Number and Date of Filing thereon

witness/defendant/respondent (hereafter called the recipient) therein named.

A. Individual ☐ By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein

B. Corp/ ☒ By delivering to and leaving with KARLA BENION and that he knew the person so served and authorized to accept service to ☐ an officer ☐ Director ☒ managing agent or general agent ☐ cashier ☐ Asst Cashier ☐ Agent authorized by appointment or by law to receive service.

C. Suitable Age Person ☐ By delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state

D. Affixing to Door, Etc. ☐ By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age discretion, thereat, having called there

Deponent talked to @ @ @ who stated that recipient ☐ lived ☐ worked there.

E. Mailing W/B,C or ☐ On Deponent completed said service under the last two sections by mailing a copy of the above named process by First Class Mail addressed to the witness/defendant/respondent to the above address of service which is recipient's: ☐ last known residence ☐ last known place of business (with additional endorsement of Personal and Confidential on face of envelope.)

☐ RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

F. DRL Sec232 ☐ The required notice was legibly printed on the face of the summons. I identified the defendant by photograph annexed hereto which was provided by the plaintiff.

|                                     |               |            |            |               |                  |                  |
|-------------------------------------|---------------|------------|------------|---------------|------------------|------------------|
| G.                                  | SEX           | SKIN COLOR | HAIR COLOR | AGE (approx.) | HEIGHT (approx.) | WEIGHT (approx.) |
| Description                         | F             | BLACK      | BROWN      | 45            | 5'4"             | 155              |
| <input checked="" type="checkbox"/> | OTHER GLASSES |            |            |               |                  |                  |

Sec.8001Fee A fee of \$0.00 , pursuant to CPLR Section 8001, was tendered to the witness.

Military ☐ I asked the person spoken to whether the defendant/respondent was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant/Respondent wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant/respondent is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

Sworn Before me this day 16 of JULY 2008

DONNA L. ODRISCOLL  
NOTARY PUBLIC, State of New York  
No. 010D6126123  
Qualified in Nassau County  
Commission Expires on 4/25/2009

DAVID A SMITH #0912050

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- against -  
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**Maverick Process 516-693-1100**

ATTORNEY SCHER 23071  
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Plaintiff(s) INDEX NO 08 CIV. 6056  
INDEX DATE  
Defendant(s) CALENDAR NO  
Respondent(s) 3rd PARTY INDEX#  
JUDGE CONNER

STATE OF NEW YORK: COUNTY OF NASSAU

SS: **AFFIDAVIT OF SERVICE**

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 7/14/2008 at 2:14 PM at 841 BROADWAY 7TH FLOOR NY, NY 10003

deponent served the within SUMMONS IN A CIVIL ACTION & COMPLAINT AND EXHIBITS

upon

SLCE ARCHITECTS, LTD

☒ Said Documents Were Properly Endorsed with the Index Number and Date of Filing thereon

witness/defendant/respondent (hereafter called the recipient) therein named.

A. Individual ☐ By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein

B. Corp/ ☒ By delivering to and leaving with ENZO DEPOL and that he knew the person so served and authorized to accept service to ☐ an officer ☐ Director ☒ managing agent or general agent ☐ cashier ☐ AsstCashier  
Prtnshp ☐ Agent authorized by appointment or by law to receive service.

C. Suitable Age Person ☐ By delivering thereat a true copy of each to a person of suitable age and discretion.  
Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state

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G. Description SEX M SKIN COLOR WHITE HAIR COLOR WHITE AGE (approx.) 70 HEIGHT (approx.) 6'1" WEIGHT (approx.) 170  
☒ OTHER

Sec.8001Fee ☐ A fee of \$0.00, pursuant to CPLR Section 8001, was tendered to the witness.

Military ☐ I asked the person spoken to whether the defendant/respondent was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant/Respondent wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant/respondent is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

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